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| APPLICATION NO.                                                                               | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.     | CONFIRMATION NO.       |
|-----------------------------------------------------------------------------------------------|-------------|----------------------|-------------------------|------------------------|
| 10/815,837                                                                                    | 04/02/2004  | No-Soon Kim          | P-0664                  | 8853                   |
| 34610 7590 05/04/2007<br>KED & ASSOCIATES, LLP<br>P.O. Box 221200<br>Chantilly, VA 20153-1200 |             |                      | EXAMINER<br>CHOW, YUK   |                        |
|                                                                                               |             |                      | ART UNIT<br>2609        | PAPER NUMBER           |
|                                                                                               |             |                      | MAIL DATE<br>05/04/2007 | DELIVERY MODE<br>PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/815,837

Applicant(s)

KIM, NO-SOON

Examiner

Yuk C. Chow

Art Unit

2609

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                        |                                                                   |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____                                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>04/02/2004,05/23/2006</u>                                     | 6) <input type="checkbox"/> Other: ____                           |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-6, 8-16, 18-26, 28-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee et al. (US Patent 7,158,173).

As to claim 1, Lee discloses an apparatus (Fig. 1) for controlling a screen brightness value of a terminal comprising: a controller (see abstract, AGC Fig. 1(106)) which controls the terminal to sense an illumination intensity around the terminal and to determine a level of the illumination intensity (see abstract); and a display unit (Fig 1(110)) which controls the screen brightness value of the terminal based on the level of illumination intensity determined by the controller (Fig. 8).

As to claim 2, Lee discloses the apparatus according to claim 1, wherein the terminal includes a camera (Fig. 1(100)), and wherein the controller (AGC, See abstract, Fig. 1(106)) controls the terminal to sense (Fig. 1(112)) the illumination intensity by controlling the camera to photograph an object around the terminal (see abstract).

As to claim 3, Lee discloses the apparatus according to claim 2, wherein the controller controls the camera to photograph the object when a user manipulates or uses the terminal (Col. 4 lines 40-43, image signal generated by photographing of the camera).

As to claim 4, Lee discloses the apparatus according to claim 2, wherein the photograph comprises a digital image (Fig. 5-7) and the controller determines the level of the illumination intensity (Fig. 8 (step 502)) based on a brightness value of pixels (Fig. 9) in the digital image.

As to claim 5, Lee discloses the apparatus according to claim 4, wherein the display unit sets the screen brightness value of the terminal (Fig. 8 (step 504)) based on a most frequently detected brightness value of the pixels in the digital image (Col. 6 lines 4-37).

As to claim 6, Lee discloses the apparatus according to claim 1, wherein, for a predetermined time period (Fig. 4 (step 414)), the controller continuously controls the terminal to sense the illumination intensity (Fig. 4 (step 400-414)) and to determine the level of illumination intensity (Fig. 4 (step 418)), and the display unit continuously controls the screen brightness value of the terminal (Col. 6 lines 4-37).

As to claim 8, Lee discloses the apparatus according to claim 1, further comprising: a data table (Col. 9 table 1) including at least two ranges of brightness peak values (Fig. 9a-9d), each range having a corresponding illumination intensity value.

As to claim 9, Lee discloses the apparatus according to claim 8, wherein the controller reads the illumination intensity value (Col. 6 line 58 – Col. 7 line 12) from the

Art Unit: 2609

data table (Col. 9 table 1), and the display unit controls the screen brightness value of the terminal based on the illumination intensity value read from the data table (Col. 9 line 26- Col 10 line 5).

As to claim 10, Lee discloses the apparatus according to claim 1, wherein the terminal is a mobile terminal (see abstract).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7, 17 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. (US Patent 7,158,173) in view of Ogawa (US Patent 6,597,339).

As to claim 7, Lee discloses the apparatus according to claim 6 above.

However, Lee does not teach that if the predetermined time period has expired and a user then manipulates or uses the terminal, the controller again starts controlling the terminal to sense the illumination intensity and to determine the level of illumination intensity, and the display unit again starts controlling the screen brightness value of the terminal.

Ogawa teaches a backlight controller utilizes a time lapse monitor which can issue interrupt upon user input (Fig. 6 (step 604)) to acquire current state of backlight (Fig. 6 (step 606)), and control the backlight level (Fig. 6 (steps 607-610)) based in the expiration of predetermined time (Fig. 6 (step 605)).

Art Unit: 2609

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the time lapse monitor of Ogawa's into display brightness controller of Lee's because the luminance of the backlight is decreased to save power consumption, it improves usability of a mobile device.

Regarding claims 11-20, limitations within these claims are identical to claims 1-10 respectively, except they are the method claims. Therefore, same rejections apply to these claims.

Regarding claims 21-30, limitations within these claims are identical to claims 1-10 respectively, except they are the computer program product claims. Therefore, same rejections apply to these claims.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yuk C. Chow whose telephone number is 571 270-1544. The examiner can normally be reached on 8-6 M-TH E.T..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amare Mengistu can be reached on 571 270-1550. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2609

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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AMARE MENGISTU  
SUPERVISORY PATENT EXAMINER